

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-317

v.

HON. JANET T. NEFF

DANIELLE ANN LOWERY,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Danielle Ann Lowery has filed a motion for modification or reduction of sentence (Dkt 133) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The Probation Office has filed a Sentence Modification Report (Dkt 149) and Defendant has filed a Response (Dkt 151).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 149) and the Defendant's Response, letter and Certificates of Completion (Dkt 151), the Court has determined that the defendant is ineligible to a reduction of sentence pursuant to the policy statements of the U.S. Sentencing Commission. Defendant is currently serving her sentence, and is scheduled to be

released from the Bureau of Prison custody on October 22, 2015. U.S.S.G. § 1B1.10(e)(1) instructs that “the court shall not order a reduced term of imprisonment based on Amendment 782 unless the effective date of the Court’s order is November 1, 2015, or later.”

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 133) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: May 20, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge